

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT

In Re:

Case No.: 05-19380

MICHAEL PAUL MCCABE

(Chapter 7)

Debtor.

Assigned to:
Hon. ARTHUR J. GONZALEZ
Bankruptcy Judge

STATE OF SOUTH CAROLINA)
CITY OF FORT MILL)

Teresa Diaz-Cochran, being duly sworn deposes and says:

1. I am a Bankruptcy Secretary for AMERICA'S SERVICING COMPANY, secured creditor ("Secured Creditor") herein, and as such, am fully familiar with the facts and circumstances hereinafter set forth.
2. This affidavit is submitted in support of Secured Creditor's application for stay relief as set forth in the moving papers.
3. Secured Creditor is the holder of a mortgage covering the premises commonly known as 113 ELOISE TERRACE, SYRACUSE, NY 13207 ("Mortgaged Premises").
4. On the 30th day of September, 2005, Debtor MICHAEL PAUL MCCABE filed a Petition under Chapter 7 of Title 11 U.S.C. § 101 et seq with this Court under case no. 05-19380-ajg, and an Order for relief was duly entered.

5. The Note and Mortgage provide that the Debtor will be in default if they do not make full monthly payments on each due date. As of the 19th day of September, 2005, the Debtors has failed to make 2 payments in the amount of \$634.57 which represents the payments due the 1st day of January, 2007 through February, 2007 and has not cured said default.
6. That as of the 19th day of February, 2007, there was an unpaid principal balance owed on the Note and Mortgage in the sum of \$42,999.09, with interest of \$1,039.75, plus late charges in the amount of \$56.81, for an estimated amount owing Secured Creditor in the amount of \$44,095.65. Interest on the unpaid principal balance will continue to accrue, and to protect its security in the Mortgaged Premises Secured Creditor may be required to make further advances for property taxes, insurance and related matters.

WHEREFORE, Secured Creditor respectfully requests that an Order be granted terminating the automatic stay immediately as to Secured Creditor's interest in the Mortgaged Premises, together with such other, further and different relief as the Court may deem just in this matter.



Bankruptcy Representative

Subscribed and sworn to before me
this 20th day of Feb, 2007.



Notary Public



Bonny Mosca
Notary Public
State of South Carolina
My Commission Expires
December 15, 2015